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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,238	02/14/2002	Janne Aaltonen	06071.00001	6235
22907	7590	12/01/2006	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			BILGRAMI, ASGHAR H	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,238

Applicant(s)

AALTONEN ET AL.

Examiner

Asgar Bilgrami

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 27-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 27-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-23, 27-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birdwell et al (U.S. 6,108,706) and Robinson (U.S. 6,618,585 B1)

3. As per claims 1, 9-11, 19, 22, 23, 26, 44 & 45 Birdwell disclosed a method of accessing information on a computer network on a communication device, the device being capable of communicating with a first communications network (col.3, lines 10-44) and receiving a signal from a second communications network, the method comprising (col.3, lines 63-67 & col.4, lines 1-10); receiving, via the second network, unsolicited information from the computer network, wherein the information contains an identifier identifying further information on the computer network (col.3, lines 63-67 & col.4, lines 1-10). However Birdwell did not explicitly disclose requesting, via the first network, further information from the computer network, wherein the further information is based on the received identifier; and receiving the further information via one of the first or second network.

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In the same field of endeavor Robinson disclosed requesting, via the first network, further information from the computer network, wherein the further information is based on the received identifier; and receiving the further information via one of the first or second network (col.3, lines 42-67 & col.4, lines 1-20).

At the time the invention was made it would have been obvious to one in the ordinary skill in the art to incorporate requesting information based on received identifier via first or second network as disclosed by Robinson in the method of accessing information on a computer network on a communication device as disclosed by Birdwell to make the device more versatile and flexible resulting in reliable multi-connectivity to a communications networks.

4. As per claims 2, 4, 12 & 27, 28, 32-35 Birdwell-Robinson disclosed the device of claim 9, wherein the second communications network is a broadcast network, and wherein the receiver is adapted to receive the unsolicited information via the broadcast network (Birdwell, col.3, lines 23-31 & col.3, lines 40-43).

5. As per claims 3 & 13 Birdwell-Robinson disclosed the device of claim 9, wherein the first communication network is a telecommunications network, and wherein the transceiver is adapted for use with the telecommunications network (Birdwell, col.3, lines 10-16).

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6. As per claims 5, 14, 29, 36 & 37 Birdwell-Robinson disclosed the device of any of claims 9 wherein the unsolicited information contains a content identifier, and further comprising a memory for storing, on the device, a list of content identifiers of interest (Birdwell, col.4, lines 66-67 & col.5, lines 1-46).

7. As per claims 6 & 15 Birdwell-Robinson disclosed the device of claim 14, further comprising a filter for filtering the received unsolicited information to remove any information not having a content identifier in the list of content identifiers (Birdwell, col.5, lines 26-46).

8. As per claims 7, 16, 30, 38 & 39 Birdwell-Robinson disclosed the method of claim 1, wherein the second communication network is digital video broadcast terrestrial (DVB-T) network, and wherein the steps of receiving via the second network are adapted for receiving via the DVB-T network (Birdwell, col.3, lines 23-31, col.3, lines 40-43 & col.4, lines 25-34).

9. As per claims 8, 17, 31, 40 & 41 Birdwell-Robinson disclosed the method of 1, wherein the first communication network is a cellular network; and wherein the step of receiving via the further information is adapted to receive via the cellular network (Birdwell, col.3, lines 10-16 & col.4, lines 5-9).

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10. As per claim 18, 42 & 43 Birdwell-Robinson disclosed the device of claims 9, wherein the communication device is a portable communication device (Birdwell, col.4, lines 10-12).

11. As per claim 20, 46 & 47 Birdwell-Robinson disclosed the system of claims 9, further comprising a database of user profiles for storing a list of information categories determined to be of interest to the users (Birdwell, col.2, lines 21-28 & col.6, lines 20-32).

12. As per claim 21 Birdwell-Robinson disclosed the system of claim 20, further comprising a broadcast transmitter for transmitting information from the computer network to users determined to be interested in the information (Birdwell, col.3, lines 23-31 & col.3, lines 40-43).

Response to Arguments

13. Applicant's arguments filed September 15, 2006 have been fully considered but they are not persuasive.

14. When reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In

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re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

15. Applicant argued that neither Birdwell nor Robinson disclosed, "requesting, via a first network, further information from the computer network, wherein the further information is based on the received identifier; and receiving the further information via one of the first or second network".

16. In light of applicant's arguments and specification that defines the further information being based on received identifier; and receiving the further information via the first of the second network. Examiner would like to point out to the applicant that Birdwell in figure 1 discloses that clients are connected to two networks, (1) data network 28 (bi-directional network) and (2) broadcast network 30 (unidirectional network) simultaneously. Additionally Birdwell on (col.3, lines 10-12) states that the bi-

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directional data network represents various types of networks, including the Internet (a common mode of two way communication in which requests are made by a client to acquire a web page from a server which is then delivered to the client), LAN, WAN or the like. Additionally Birdwell on (col.3, lines 32-44) Birdwell discloses that the broadcast network 30 can be implemented in a variety of ways. For instance, the broadcast network might be implemented as a wireless network configured for one-way communication (I.E. satellite, radio, microwave, etc). The broadcast network might also be a network, which supports two-way communication, but is predominantly used for unidirectional multicasting from the broadcast center 26.

As to applicant's arguments about the cited arts not showing the limitation "further information from the computer network, wherein the further information is based on received identifier". The examiner would like to point applicants attention to figure 3, which show an example of announcements (i.e. sending of information about some information) being sent over a network to the selected users.

17. Examiner has enclosed reading material that sheds light on how the Internet works and its bi-directional nature for applicant's representative's reference.

18. Finally, all claims in their present state stand rejected.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3924. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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